REMARKS

Applicants appreciate the Examiner's suggestion to improve the clarity and precision of the claims. Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. Claim 1 has been amended as suggested by the Examiner to change "the respective blade" to --one of said blades-- and to add further limitations as fully supported by Applicants' specification as originally filed. In this regard, the Examiner's attention is directed pages 5 and 6 and the corresponding drawings.

Claim 13 has been amended to correct the dependency from claim 11 to claim 12 as suggested by the Examiner. Applicants most respectfully submit that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record.

Each of the rejections of the claims over the prior art references has been carefully considered but is most respectfully traversed in view of the amendments to the claims. The rejection of claims 1-2, 5, 9 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Taiwanese Patent 540,641 in view of Hong 5,582,506; claims 1-2, 6, 9 and 11-12 over 540,641 in view of Hong 5,552,700; claim 3 over 540,641 and Hong '506 as applied to claim 2 and further in view of Katsui 5,559,674; claim 4 over 540,641 and Hong '506 as applied to claim 2 and further in view of Gan 6,817,939; claims 7-8 over '641 and Hong '506 as applied to claim 1 and further in view of either Ko 2004/0201961 or Chen 6,524,674; claim 10 over '506 and claim 13 over '641 and Hong '506 as applied to claim 11 and further in view of Bendikas 6,457,949 has been carefully considered but is most respectfully traversed.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP § 2143. This section states that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the

reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 (page 2100-114) wherein it is stated that Office personnel should consider all rebuttal argument and evidence present by applicant and the citation of In re Soni for error in not considering evidence presented in the specification. Based on the above, it is clear that the claims as now amended are not rendered prima facie obvious by the combination of references.

More particularly, amended claim 1 is characterized in that a heat dissipating fan includes a cover plate, an impeller attached to the cover plate to constitute a fan unit, and an air guiding member having an air outlet beyond the fan unit. Consequently, cool air running through a passageway of the air guiding member can be diffused to a hub portion of the fan unit and then exhausted from the air outlet of the guiding member by a sidewall of the air guiding member.

In contrast, the '641 patent fails to disclose a fan unit spaced apart from an air outlet for allowing cool air to diffuse to a hub portion of the fan unit. In other words, it fails to disclose a sidewall or any air guiding member for guiding air to a hub portion of a fan unit. However, '641 only discloses a top frame 70 and a housing 52 (see FIG. 9)

for accommodating a fan wheel 60, and the top frame 70 cannot use to guide air to a hub portion of the fan wheel 60.

As to '506 and '700, no sidewall for guiding air to a hub portion of a fan unit is disclosed. However, '506 and '700 only disclose a board member 3 attached to a fin member clearly not suggesting the presently claimed invention. Therefore, there is no reasonable expectation of success for modifying the top frame 70 or the housing 52 of '641 with a sidewall for guiding air to a hub portion of the fan unit.

One of ordinary skill in the air could not possibly, in the absence of hindsight have conceived of using the combination of a top frame 70 of '641 with a board member 3 of '506 or '700 to achieve such an arrangement of the air guiding member of the claimed invention. In re Fritch, 23 USPQ 1780, 1784(Fed Cir. 1992) ("It is impermissible to engage in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.). Accordingly, it is most respectfully requested that these rejections be withdrawn.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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